

HOUSE BILL 2145

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 37,  
Chapter 2 and Title 37, Chapter 5, relative to  
foster care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-2-417, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of children's services; and

(2) "Relative caregiver" means a person with a first, second, or third degree of relationship to the parent or stepparent of a child who may be related to the child through blood, marriage, or adoption.

(b) The department must pay a reimbursement to eligible relative caregivers to support the cost of raising the child, in accordance with this section.

(c) A relative caregiver must receive payment equal to fifty percent (50%) of the full foster care board rate for the care of a child, if the following conditions are met:

(1) The child is not in state custody;

(2) The relative caregiver is twenty-one (21) years of age or older;

(3) The relative caregiver has been awarded custody of the child by a final order of a court acting under chapter 1, part 1 of this title;

(4) The relative caregiver's total household income does not exceed twice the current federal poverty guidelines based on the size of the family unit.

As used in this subdivision (c)(4), "household income" is determined by including the income of the relative caregiver, the spouse of the relative caregiver, and adult children of the relative caregiver who are living in the same home as the relative caregiver;

(5) A parent of the child does not reside in the relative caregiver's home;

(6) The relative caregiver agrees to seek the establishment and enforcement of child support, including the naming of the father of a child for the purposes of paternity establishment; and

(7) The relative caregiver and the child meet all other requirements as prescribed by rules promulgated by the department.

(d) A payment made pursuant to this section is subject to the initial and continuing eligibility of the relative caregiver and the child, as determined by the department pursuant to this section and rules promulgated by the department. A payment made pursuant to this section is conditional upon sufficient appropriations being received by the department or other paying agency. The department may establish procedures for dispersing available funds in the event that the department or other paying agency does not receive sufficient appropriations to make payments pursuant to this section.

(e) The department may establish additional requirements by rule pursuant to subdivision (c)(7); provided, that the department must not require that the child currently is or has been in custody of the department. The department must provide notice of additional requirements in writing to the relative caregiver within ten (10) days prior to the requirement's effective date.

(f) Beginning February 1, 2024, and no later than February 1 following the conclusion of each calendar year during which the relative caregiver reimbursement

program established under this section is in effect, the department must publish an annual report on the department's website on the payments made under this section.

The report must include, but is not limited to:

- (1) The total amount of payments made in the previous calendar year;
- (2) The total number of children for whom a relative caregiver received a payment during the previous calendar year;
- (3) The total number of children who have entered state custody after being in the custody of a relative caregiver who received a payment during the previous calendar year; and
- (4) The total number of children who remain in the custody of a relative caregiver who received a payment during the previous calendar year.

(g) The commissioner of children's services may promulgate rules necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 37-2-604, is amended by designating the existing language as subsection (a) and by adding the following as new subsections (b) through (g):

(b) The department is authorized to implement an extension of the foster care program to provide services to youth transitioning from state custody to adulthood. The purpose of the extension is to support young adults aging out of state custody and preparing for their futures by making available additional educational and employment opportunities, ongoing support, and consistent and safe housing. The commissioner must establish policies and procedures to implement the extension and services described by this section. The department may seek federal funding and participate in federal programs developed for this purpose.

(c) The extension of foster care services may be provided on a voluntary basis to a young adult who is at least eighteen (18) years of age but less than twenty-one (21) years of age, who was in the custody of the department at the time of the young adult's eighteenth birthday, and who is:

(1) Completing secondary education or a program leading to an equivalent credential;

(2) Enrolled in an institution that provides post-secondary or career or technical education;

(3) Participating in a program or activity designed to promote employment or remove barriers to employment;

(4) Employed for at least eighty (80) hours per month; or

(5) Incapable of doing any of the activities in subdivisions (c)(1)-(4) due to a medical condition, including a developmental or intellectual condition, which inability is supported by regularly updated information in the young adult's permanency plan. In such a case, the young adult must be in compliance with a course of treatment as recommended by the department.

(d) The extension of foster care services may be provided to a young adult who meets the requirements of subsection (c) but refused those services at the time of the young adult's eighteenth birthday if the young adult seeks those services prior to the young adult's twenty-first birthday.

(e) The minimum responsibilities of a young adult enrolled in extension of foster care services under this section are:

(1) Sign a rights and responsibilities agreement prepared by the department;

(2) Work with the department to create, update, and implement a transition plan;

(3) Meet monthly with the case manager to track the progress of the transition plan; and

(4) Attend a court hearing or administrative review every six (6) months.

(f) The extension of foster care services provided by the department under this section may include, but are not limited to:

(1) Education and training vouchers for post-secondary education;

(2) Placement support in an approved placement or an independent living allowance;

(3) Independent living wrap services;

(4) Access to life skills classes and leadership opportunities; and

(5) Support of a child and family team, case manager, and court representatives.

(g) Living arrangements available to a young adult enrolled in the extension of foster care services under this section may include, but are not limited to:

(1) A dormitory;

(2) A licensed or approved foster home;

(3) Supervised independent living, such as an approved apartment with or without a roommate, or an approved room-and-board living arrangement, in which a young adult may be able to directly receive an independent living allowance;

(4) The home of an approved relative or non-related supportive adult; and

(5) Licensed group home settings.

(h) The advisory committee established in § 37-2-601 must serve as an advisory committee for the programs and services authorized by this section.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it.